

REMARKS

The Final Office Action, mailed December 26, 2007, considered and rejected claims 33-40 and 44-47.¹

By this paper, all of the considered claims 33, 37-38 and 45 have been amended and new claim 48 has been added.² No claims have been cancelled by this paper. Accordingly, claims 33-40 and 44-48 remain pending, of which claims 33, 37 and 38 are the independent claims at issue.

As previously discussed during an interview with the Examiner, the pending claims are generally directed to embodiments for initiating peer-to-peer communications within a multiplayer game and in such a way as to cause the peer-to-peer communications to bypass the game server that is hosting the multiplayer game. The method recited in claim 1, for example, includes a server hosting a multiplayer game session and requiring each person requesting to play in the multiplayer game session to first enroll in a game service operated by the game server. Then, each player attempting to play in the multiplayer game is authenticated by determining if each corresponding player is enrolled in the game service and has approved credentials, and so that only people who have enrolled in the game service and approved credentials are allowed to access the multiplayer game session as a player. A player that is authenticated and that has accessed the multiplayer game is then provided a list identifying at least one other player that is authenticated and that is enabled to communicate with the first player in a peer-to-peer network connection. The player then selects another player from the list, which constitutes a request for communication information corresponding to the second player and that is required to establish the peer-to-peer connection between the first player and the second player and that includes at least an IP address of the second player. In response to the request, the communication information comprising at least the IP address corresponding to the

¹ Claims 33, 37-39 and 44-47 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Walker et al. (US Patent Application Publication 2002/0193162 A1) hereinafter Walker in view of Miura (US Patent No.: 6,322,451 B1) hereinafter Miura and further in view of Kim (US Patent Application Publication 2002/0013811 A1) hereinafter as Kim. Claims 34 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Walker, Miura and Kim as applied to claim 33, and further in view of Neuman et al. "Kerberos: An Authentication Service for Computer Networks" hereinafter Neuman. Claims 35-36 and 40 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Walker, Miura and Kim as applied to claims 33 and 38, and further in view of Perlman (US Patent No.: 5,586,257) hereinafter Perlman.

² Support for the amendments and new claim is found in at least the disclosure presented in the Summary of the invention and page 19 (as originally numbered).

second player is then transmitted from the game server to the first player, wherein the first player, upon receiving the communication information, uses the received communication information to initiate a peer-to-peer communication with the second player. If the attempt is successful, the peer-to-peer communication can then successfully bypass the game server. (see claim 36, for example). If the attempt is unsuccessful, the second player is then prompted to initiate the peer-to-peer communication with the first player, so that the peer-to-peer communication can still be established. (claim 35, for example). In some embodiments, the player can also view and select other potential players from the list that are actually not even active participants in the multiplayer game session. (see new claim 48)

The elements of the method recited in claim 1 are also found in the other independent claims, and hence all of the dependent claims. For example, the computer program product recited in claim 37 comprises instructions for implementing the method recited in claim 1, as does the system recited in claim 38.

One specific embodiment, which is recited in claim 34, also clarifies that the information transmitted to the first player includes the unique key of the second player. This way the second player, upon receiving the request for the peer-to-peer communication including the key information, knows that the first player is trusted since the first player had the second player's key information.

The combination of art used to reject the independent claims is a new combination of art, including Walker, Miura and Kim.

Walker generally discloses embodiments for rewarding game participants even though they may not perform well in the game and so as to maintain interest in the game. Walker is generally cited for the proposition of players registering or enrolling in a game. It is acknowledged that Walker does not provide a list of other players that are authenticated and that the first player can engage in peer-to-peer communications with, as claimed. In fact, Walker does not disclose or suggest any embodiment in which a player will engage in peer-to-peer communications. Instead, and to the contrary, Walker's embodiments clarify that the server is very involved in maintaining almost every aspect of the gaming sessions. In one embodiment, players can enter a private chat room. However, this chat room is merely another forum created by the server to prevent unqualified players from participating in a tournament game. It is not a peer-to-peer communication initiated by a player, as claimed. (see ¶ 0047).

Miura is relied upon, by the Examiner as purportedly disclosing the use of a list identifying other authenticated players that can participate in a peer-to-peer communication. Applicant strongly disagrees.

While Miura does disclose a list of possible game participants to a game player, it is clear that the list Miura discloses is not limited to authenticated players enrolled with a game server and having approved credentials and that are capable of communicating in peer-to-peer communications initiated by the game player receiving the list. Instead, Miura simply displays a list of all game participants currently playing in different games. Miura provides a server to connect the various players together in the games. No peer-to-peer communications are disclosed or suggested by Miura.

In fact, Miura fails to disclose or suggest that any player initiates peer-to-peer communications with a second player, as claimed. In this regard, it is noted that the Examiner has asserted "that the features upon which applicant relies (i.e., the first player initiates peer-to-peer communications with the second player) are not recited in the rejected claim(s)." Applicant again disagrees. It was previously recited in the claims that "the first player, upon receiving the communication information, uses the received communication information to attempt to open a peer-to-peer communication with the second player." Accordingly, this limitation, which was apparently not fully appreciated and considered was present in the previously presented claims. Nonetheless, the claims have been further amended to make this limitation even more clear, by reciting that "the first player, upon receiving the communication information, initiates the peer-to-peer communication with the second player by using the received communication." The Examiner cites to Col. 5, ll. 53-55 of Miura as purportedly disclosing this limitation. However, this disclosure in Miura merely indicates that a player can select another player to play against. It is clear that this does not reflect an initiation of a peer-to-peer communication by the player by using information received from a server and in response to a player selecting another player from a list of other players, which was provided by a server, and results in the player initiating the peer-to-peer communication.

Walker and Miura clearly fail to teach or suggest any such embodiment. Kim also fails to compensate for the inadequacies of Walker and Miura in at least this regard. In fact, the disclosure in Kim also indicates that it is the server that initiates the connection between two systems, not the client system in response to receiving information from the server system, as

claimed. (Note, the IP address of the second client computer is transmitted to the first client computer, but that the server "performs the connection for the remote control", see ¶ [0038]).

In view of the foregoing, Applicant respectfully submits that the other rejections to the claims, including the dependent claims, are now moot and do not, therefore, need to be addressed individually at this time. It will be appreciated, however, that this should not be construed as Applicant acquiescing to any of the purported teachings or assertions made in the last action regarding the cited art or the pending application, including any official notice.³ In fact, as discussed during the interview, there are many additional distinguishing features in the dependent claims, including, but not limited to the features found in new claim 48 and previously presented claims 44 and 45.

In claims 44 and 45, for example, the list presented to the player is limited to only identify players on a same team or within a same game world. The Examiner has referenced Miura as teaching these things. Applicant disagrees and requests that the Examiner more specifically identify where Miura indicates that the list is limited to only players playing within a particular game world and proximity within the game world. The cited disclosure merely indicates that the network of computers can extend to various cities, (Col. 9), and that reservations can be made to play against selected competitors (Col. 6). Amendments have been made to claim 45 to even more clearly recite how the list is limited to players having a particular proximity within a virtual game environment, as disclosed in page 29.

Claim 48 clarifies an embodiment in which the list includes at least one player that is both authenticated with the game server and that is currently not accessing the multiplayer game session. This embodiment also distinguishes from the cited combination of art, particularly when considering that the result of a participant selecting the listed player from the list results in the receipt of IP information used by the participant to initiate the peer-to-peer communication.

³ Instead, Applicant reserves the right to challenge any of the purported teachings or assertions made in the last action at any appropriate time in the future, should the need arise. Furthermore, to the extent that the Examiner has relied on any Official Notice, explicitly or implicitly, Applicant specifically requests that the Examiner provide references supporting the teachings officially noticed, as well as the required motivation or suggestion to combine the relied upon notice with the other art of record. Although the prior art status of the cited art is not being challenged at this time, Applicant reserves the right to challenge the prior art status of the cited art at any appropriate time, should it arise. Accordingly, any arguments and amendments made herein should not be construed as acquiescing to any prior art status of the cited art.

For at least the foregoing reasons, Applicant respectfully submits that the pending claims are in condition for allowance. In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney at 801-533-9800.

Dated this 31st day of March, 2008.

Respectfully submitted,



RICK D. NYDEGGER
Registration No. 28,651
JENS C. JENKINS
Registration No. 44,803
Attorneys for Applicant
Customer No. 47973

JCJ:ahy
AHY0000007230V001